

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

3 SIGMA CORPORATION,

Plaintiff,

:

Case No. 3:10-cv-085

-vs-

Magistrate Judge Michael R. Merz

:

NUCOAT, INC., et al.

Defendants.

DECISION AND ORDER

This case is before the Court on the parties' joint request for a status conference to clarify the Court's Decision and Order of September 12, 2011 (Doc. No. 46). The conference was conducted at 2:00 p.m. on Monday, October 31, 2011. Steven Justice and David Walulik participated on behalf of their respective clients.

Having considered (1) the content of the email correspondence between counsel on this question, (2) the arguments made during the status conference, and (3) the content of the Stipulated Protective Order, the Court denies Defendants' request to depose James Rawlins, Ph.D., prior to his designation as Plaintiff's expert and disclosure to him of "Attorneys' Eyes Only" information from Defendants, subject to the condition that prior to such disclosure he waive in writing any defense of lack of personal jurisdiction for this Court's enforcement of contempt sanctions against him.

October 31, 2011.

s/ **Michael R. Merz**
United States Magistrate Judge